

Message Text

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ACTION ARA-10

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O R 241725Z JUL 75

FM AMEMBASSY NASSAU

TO SECSTATE WASHDC IMMEDIATE 6985

INFO COMDT COGARD WASHDC

COGDSEVEN MIAMI

C O N F I D E N T I A L SECTION 1 OF 2 NASSAU 1191

E.O. 11652: GDS

TAGS: EFIS, BF

SUBJ: SPINY LOBSTER: DISCUSSION WITH MINISTER OF EXTERNAL
AFFAIRS, ADDERLEY

REF: NASSAU 1171

1. IN WHAT TURNED OUT TO BE A LONG, RAMBLING, AT SOME
POINTS CONFUSED AND AT OTHER POINTS IRRELEVANT CONVERSATION
WITH ADDERLEY, I THINK I MAY HAVE BEEN ABLE TO ISOLATE WHAT IT
IS THAT IS REQUIRED BY WAY OF GETTING A SPECIFIC DATE SET FOR
DEFINITIVE NEGOTIATIONS.

2. AFTER THE AMENITIES WERE OUT OF THE WAY, ADDERLEY
STARTED BY ASKING "WHAT SHALL WE TALK ABOUT?" IT QUICKLY BECAME
APPARENT THAT HE HAD ONLY A VAGUE NOTION OF THE CONTENT OF MY
DISCUSSION WITH THE PRIMIN YESTERDAY. AS A RESULT, AS A POINT
OF DEPARTURE, I VERY BRIEFLY SUMMARIZED BOTH MY CONVERSATION
OF JULY 3 AND MY CONVERSATION OF YESTERDAY TOUCHING ONLY BRIEF-
LY ON THE SUBJECTS COVERED BUT ENDING WITH A FULLER PITCH ON
THE IMPORTANCE OF A MORATORIUM.

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EM ADDERLEY TOOK OFF ON THE MORATORIUM IN A LONG SOMEWHAT

RAMBLING RESPONSE WITH REFERENCES TO PAST HISTORY, INCLUDING THE EFFECT OF THE IMPACT OF CUBAN REFUGEES LIVING IN FLORIDA ON THE FISHING INDUSTRY IN FLORIDA AND THE BAHAMAS. IN CONCLUSION ADDERLEY MADE IT CLEAR THAT HE WOULD NOT PERSONALLY SUPPORT A MORATORIUM. (THIS SUBJECT SUBSEQUENTLY CAME UP AT SEVERAL POINTS IN THE CONVERSATION AND ADDERLEY SEEMED TO ME TO MOVE BETWEEN ARGUING THAT UNDER BAHAMIAN LAW THERE WAS NO WAY IN WHICH A MORATORIUM COULD BE ENACTED, A POINT ON WHICH I AM SKEPTICAL, AND A STRONGLY IMPLIED PERSONAL AVERSION TO THE ENTIRE NOTION. IN THE COURSE OF THIS DISCUSSION ADDERLEY AT ONE POINT BECAME RATHER HEATED OVER THE NOTION THAT "A GUN SHOULD BE HELD TO OUR HEAD" IN ENTERTAINING A USG PROPOSAL FOR NEGOTIATIONS REFERRING TO THE THREATS OF THE FLORIDA FISHERMEN TO ARM THEMSELVES. I POINTED OUT TO ADDERLEY THAT THAT WAS AN UNFAIR ACCUSATION TO LEVY IN SEVERAL RESPECTS. FIRST OF ALL, THE USG DID NOT COUNTENANCE ILLEGAL ACTS; SECONDLY, THE FACTS WERE THAT THE USG HAD PROPOSED NEGOTIATIONS SEVEN OR EIGHT MONTHS AGO WHICH, HAD THEY BEEN PURSUED, WOULD HAVE HOPEFULLY BEEN COMPLETED WELL BEFORE THE ONSET OF THE FISHING SEASON AND, THEREFORE, WOULD HAVE PRECLUDED THE CURRENT FUROR; AND, THIRD, THAT THE USG WAS PROPOSING NEGOTIATIONS, NOT THE FLORIDA FISHERMEN, AND, FAR FROM HOLDING A GUN TO ANYONE'S HEAD, THE USG WAS ATTEMPTING TO ASCERTAIN WHETHER THE GCOB WAS PREPARED FOR NEGOTIATIONS AND, IF SO, WHAT PARTICULAR MATTERS THEY WISHED DISCUSSED.)

4. EVENTUALLY WE GOT AROUND TO TREATING PRECISELY THESE LATTER MATTERS. ADDERLEY REELED OFF A LONG LIST OF WHAT HE DESCRIBED AS DETAILS WHICH WOULD REQUIRE CLARIFICATION COVERING SUCH THINGS AS THE SPECIFIC TECHNIQUES OF LAW ENFORCEMENT, IF THERE IS LICENSING HOW MANY LICENSES, HOW MANY LOBSTER POTS, HOW MANY BOATS, ETC., ETC., WHAT THE PRECISE DETAILS OF RECIPROCITY WOULD INVOLVE, HOW LONG AN AGREEMENT WOULD EXTEND, WHETHER AND HOW IT MIGHT BE ALTERED, ETC., ETC. WHEN HE FINISHED I TOLD HIM THAT I THOUGHT HE HAD ARTICULATED AN EXCELLENT AGENDA FOR PRECISELY THE KINDS OF DISCUSSIONS THAT WE WERE PREPARED TO ENTER INTO.

5. ADDERLEY STATED THAT BEFORE SUCH A DISCUSSION COULD TAKE PLACE, HOWEVER, THERE WERE TWO "PRECONDITIONS" ROOTED IN CONFIDENTIAL

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BAHAMIAN LAW AND ON WHICH THEY REQUIRED A DEFINITIVE RESPONSE FROM THE USG BEFORE THEY COULD DETERMINE WHETHER THERE WAS A BASIS FOR NEGOTIATION. HE IDENTIFIED THESE TWO CONDITIONS AS THE ISSUE OF RECIPROCITY AND THE ISSUE OF NATIONALITY TO BE COVERED BY ANY SUBSEQUENT BILATERAL AGREEMENT. HE THEN AGAIN LAUNCHED INTO A LENGTHY DISSERTATION (AS HE IS WONT) ON ALL OF THE DETAILED KINDS OF ISSUES WHICH MIGHT REQUIRE FURTHER DISCUSSION UNDER EACH OF THESE HEADINGS. HE CONCLUDED, HOWEVER,

ON THE NOTE THAT IN THE EVENT THE U. S. POSITION WAS THAT IT COULD NOT UNDER ANY CIRCUMSTANCES DISCUSS RECIPROCITY OR THE NATURE OF WHO WOULD BE LICENSED UNDER AN AGREEMENT, THEN THERE WAS NO BASIS FOR NEGOTIATION.

6. I TRIED VERY HARD, WITH ONLY PARTIAL SUCCESS, TO CUT THE CONVERSATION OFF AT THIS POINT, REPEATING BACK TO THE MINISTER WHAT IT IS I HAD UNDERSTOOD HE WANTED US TO RESPOND TO. I ASKED HIM TO VERIFY THAT IF WE STATED THAT WE WERE IN NO SENSE PRECLUDED FROM DISCUSSING AND IN FACT WERE PREPARED TO DISCUSS THE TWO ISSUES HE CITED, RESERVING ENTIRELY, OF COURSE, THE QUESTION OF WHETHER THE TWO SIDES COULD AGREE ON THE SPECIFICS PERTAINING TO THESE TWO ISSUES, WE COULD AGREE TO A DATE FOR UNDERTAKING THE NEGOTIATIONS. ADDERLEY CONFIRMED THAT THIS WAS A CORRECT UNDERSTANDING.

7. BEFORE I WAS ABLE TO GET OUT, HOWEVER, THERE WAS A RESUMPTION OF THE DISCUSSION ON MORATORIUM AND ON THE "TOTALLY UNFAIR ACTIONS" TAKEN BY FLORIDA LOBSTER FISHERMEN OVER THE YEARS. ADDERLEY (TO A DEGREE EGGED ON BY ORIS RUSSELL, HIS PERMANENT SECRETARY) OFFERED A SHORT DIATRIBE ON THE TOTAL INEQUITY OF THE FLORIDA LAW WHICH (AS HE STATED IT) PRECLUDED NON-AMERICANS FROM FISHING IN WATERS WITHIN 50 MILES OF THE FLORIDA COAST WHICH ADDERLEY SAID WAS OBVIOUSLY A DIRECT INVITATION FOR THE CUBANS LIVING IN FLORIDA TO FISH IN BAHAMIAN WATERS. THIS HE CONSIDERED TO BE INTOLERABLE.

8. COMMENT: A) NEEDLESS TO SAY, IT IS RATHER DISCOURAGING TO FIND THE APPARENT LACK OF INTERNAL CONSISTENCY AND COORDINATION THAT EXISTS WITHIN THE GCOB. HOWEVER, IT'S NOTHING NEW.

B) BEYOND THIS QUESTION, IT WAS INTERESTING THAT ADDERLEY NEVER ONCE RAISED THE QUESTION PUT TO ME BY THE PRIMIN AS TO CONFIDENTIAL

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WHETHER THE U. S. ACCEPTED THE VALIDITY OF THE BAHAMIAN LAW. IN RETROSPECT, HOWEVER, IT APPEARS TO ME THAT ADDERLEY'S TWO SPECIFIC "PRECONDITIONS" ARE INTENDED TO REFLECT PRECISELY THE SAME CONCERN ON THE PART OF THE GOVERNMENT. INDEED IT MAY WELL HAVE BEEN THAT ADDERLEY, BOTH IN HIS ROLE AS MINISTER OF EXTERNAL AFFAIRS AND AS ATTORNEY GENERAL, HAS BEEN THE INSTIGATOR OF THIS EMPHASIS ON THE NECESSITY FOR SECURING U. S. AGREEMENT IN PRINCIPLE TO ACCEPT BAHAMIAN LAW. ADDERLEY APPEARS TO HAVE HAD IN MIND THE TWO AFOREMENTIONED CONDITIONS DEALING WITH RECIPROCITY AND NATIONALITY OF THOSE LICENSED TO FISH. THE PRIMIN, HOWEVER, MAY OR MAY NOT HAVE UNDERSTOOD THAT ADDERLEY HAD THOSE SPECIFICS IN MIND WHEN HE REFERRED MORE BROADLY TO THE NECESSITY FOR ACCEPTING THE VALIDITY OF BAHAMIAN LAW.

C) ON BOTH THE ISSUES OF RECIPROCITY AND NATIONALITY, ADDERLEY DID NOT SPEAK AT LENGTH. AT ONE POINT WITH REGARD TO RECIPROCITY, HE DID SAY "THIS IS MORE A POLITICAL ISSUE." AT ANOTHER POINT, HOWEVER, HE OFFERED HYPOTHETICAL EXAMPLES OF WHAT RECIPROCITY MIGHT MEAN, I.E. THE U. S. MIGHT LICENSE AN EQUAL NUMBER OF BAHAMIANS TO FISH IN U. S. WATERS, OR PROVIDE FOR EQUAL NUMBER OF BOATS, OR EQUAL SIZE OF CATCH, ETC. I DO NOT, HOWEVER, BELIEVE THAT ONE CAN DRAW ANY FIRM CONCLUSION THAT RECIPROCITY WOULD NECESSARILY HAVE TO BE DEFINED IN TERMS OF EQUALITY. IN FACT, I DON'T THINK THE BAHAMIANS HAVE THOUGHT THE MATTER THROUGH. WITH REGARD TO THE SECOND POINT, THAT IS DEALING WITH NATIONALITY, AT ONE POINT ADDERLEY REFERRED SPECIFICALLY TO THE AGREEMENT HAVING TO BE LIMITED TO "BOATS OWNED BY AMERICAN NATIONALS AND NOT TO THE NATIONALITY OF THE FISHERMENT ON BOATS SO OWNED."

D) I DID NOT ATTEMPT TO PURSUE THE DETAILS OF WHAT ADDERLEY MAY HAVE HAD IN MIND ON EACH OF THESE TWO ISSUES. RATHER, I ASKED HIM TO CONFIRM THAT MY UNDERSTANDING WAS CORRECT, NAMELY, THAT WHAT HE SOUGHT AT THIS TIME WAS A CONFIRMATION THAT THE U. S. WAS PREPARED TO DISCUSS THE QUESTION OF RECIPROCITY AND THE QUESTION OF THE NATIONALITY WHO WOULD BE PERMITTED TO FISH IN BAHAMIAN WATERS. HE DID CONFIRM THAT UNDERSTANDING AS BEING A PRECONDITION TO INITIATING THE NEGOTIATIONS WHICH THEN COULD BE UNDERTAKEN AT ANY TIME WE CHOSE.

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INFO OCT-01 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00 CIAE-00

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C O R R E C T E D C O P Y FOR MRN 01191 VICE 01181

E) ONE OTHER MATTER WHICH THE CONVERSATION CONFIRMED AND WHICH THE EMBASSY HAS INCREASINGLY SUSPECTED WAS THAT ADDERLEY TOGETHER WITH HIS PERMANENT SECRETARY RUSSELL ARE OBVIOUSLY TWO SENIOR OFFICIALS IN THE GOVERNMENT WHOSE ATTITUDE ON THIS ENTIRE MATTER IS NEGATIVE. THE OTHER SENIOR OFFICIAL WHOM WE ALSO KNOW TO FALL IN THIS CAMP IS ANTHONY ROBERTS, MINISTER OF AGRICULTURE AND FISHERIES. WE CONTINUE TO BELIEVE THAT THE PRIMIN IS HIMSELF MORE FORTHCOMING (CONCERNIVABLY WITH SUPPORT FROM DEPRIMIN HANNA AND THE MINISTER OF DEVELOPMENT MAYCOCK), BUT IT WOULD APPEAR THAT WHATEVER THE LINE UP IS ON THE NEGATIVE SIDE IT IS STRONG ENOUGH TO FORCE THE PRIMIN TO MOVE CAUTIOUSLY.

9. IN VIEW OF THE FOREGOING, I WOULD RECOMMENT THAT WE CHOOSE TO INTERPRET MY CONVERSATION WITH THE PRIMIN YESTERDAY FOR ACCEPTANCE OF THE VALIDITY OF BAHAMIAN LAW IN TERMS OF THE TWO "PRECONDITIONS" WHICH ADDERLEY ENUNCIATED TODAY. IN SHORT, I WOULD PROPOSE THAT OUR RESPONSE THE THE JULY 3 NOTE CONFIDENTIAL

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FROM THE MINISTRY OF EXTERNAL AFFAIRS COVER THESE TWO POINTS. I WOULD ALSO PROPOSE THAT WE COUPLE WITH THIS A PROPOSED SPECIFIC DATE FOR INITIATION OF NEGOTIATIONS. FINALLY, SINCE WE HAVE HERETOFORE ONLY ADVANCED THE MATTER ORALLY, I WOULD PROPOSE THAT WE ALSO URGE THAT A MORATORIUM BE EFFECTED PENDING THE COMPLETION OF THE AFOREMENTIONED NEGOTIATIONS (EVEN THOUGH I CONTINUE TO BELIEVE THAT IT IS UNLIKELY WE WILL SECURE A POSITIVE RESPONSE ON THIS LATTER POINT). CONSISTENT WITH THESE PROPOSALS WE RECOMMEND MODIFICATION OF OUR DRAFT RESPONSE TO THE JULY 3 NOTE (NASSAU 1171) IN THE FOLLOWING WAYS:

PARA (2) OF PROPOSED RESPONSE, AFTER THE WORDS, "THAT THOSE DISCUSSIONS BEGIN IMMEDIATELY" STRIKE THE REMAINDER OF THE SENTENCE AND ADD THE FOLLOWING: "SPECIFICALLY ON AUG 5. IN THIS CONNECTION BASED ON DISCUSSIONS OF JULY 3

AND JULY 23 BETWEEN THE AMBASSADOR AND THE PRIME MINISTER
AND THE DISCUSSION OF JULY 24 BETWEEN THE AMBASSADOR AND THE
MINISTER OF EXT AFFAIRS, THE USG WISHED TO CONFIRM ITS
UNDERSTANDING THAT THE COMMONWEALTH OF THE BAHAMAS ACT TO
AMEND THE FISHERIES ACT, 1969 CONTAINS SPECIFIC CONDITIONS
WHICH WOULD PERTAIN TO A POSSIBLE BILATERAL AGREEMENT
DEALING WITH FISHING COVERED BY THAT ACT, INCLUDING THE
MATTER OF RECIPROCITY AND THE NATIONALITY OF
THE CITIZENS COVERED BY SUCH A BILATERAL AGREEMENT.
WITHOUT PREJUDICE TO THE POSITION ADOPTED BY THE UNITED
STATES ON THESE OR OTHER ISSUES, THE USG AGREES ENTIRELY THAT
THESE TWO MATTERS CONTAINED IN BAHAMIAN LAW MUST BE INCLUDED
IN ANY NEGOTIATIONS ON A BILATERAL AGREEMENT".

PARA (3) OF PROPOSED RESPONSE, FOLLOWING
THE LAST WORD "LAWS" ADD THE FOLLOWING:
"FURTHER IN THIS CONNECTION, THE USG WOULD
LIKE TO REITERATE THE PROPOSAL PREVIOUSLY ADVANCED ORALLY
BY ITS AMBASSADOR THAT THE GCOB URGENTLY CONSIDER THE
APPLICATION OF A MORATORIUM IN THE ENFORCEMENT OF THE RELEVANT
LAWS PENDING THE COMPLETION OF THE AFOREMENTIONED NEGOTIATIONS".
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